

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CUSTOMER SERVICE RULES REVISIONS; EXECUTIVE ORDERS 8 AND 9, 199 IAC 6, 19.4, 20.4, AND 21.4	DOCKET NO. RMU-03-3
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ORDER COMMENCING RULE MAKING

(Issued March 13, 2003)

Pursuant to the authority of Iowa Code §§ 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.3, 476.20, and 17A.4, the Utilities Board (Board) proposes to adopt the amendments attached hereto and incorporated herein by reference in this order. On September 14, 1999, Governor Vilsack issued Executive Orders 8 and 9 to begin a comprehensive review process of all agency rules using the criteria of need, clarity, intent, statutory authority, cost, fairness, and whether the rules are consistent with the principles contained in Executive Order 9. The Board was also required to review any rules routinely waived by the Board to determine if the rule can be redrafted so routine waivers are not necessary.

In response to the executive orders, the Board, on February 23, 2000, issued an "Order Regarding Plan for Regulatory Review" in which the Board assigned various chapters of its rules to Board staff teams. One of the teams reviewed chapter 6 and rules 19.4, 20.4, and 21.4 and sent proposed revisions to interested parties.

Comments were received from the Iowa Association of Electrical Cooperatives, the Iowa Association of Municipal Utilities, MidAmerican Energy Company, the Consumer Advocate Division of the Department of Justice, Legal Services Corporation of Iowa, and Peoples Natural Gas Company, Division of UtiliCorp United Inc., n/k/a Aquila, Inc., d/b/a Aquila Networks.

Revisions were made based on the comments and those revisions were submitted to the Governor's office. No revisions were proposed for rule 21.4. The Governor has completed his review and the Board is opening this rule making, Docket No. RMU-03-3, for public comment on the revisions proposed in response to the Executive Orders. The Board is also proposing to revise certain provisions of rules 19.4 and 20.4 as part of a later review and the Board's ongoing efforts to make the rules more consistent and understandable for Iowa consumers. These revisions proposed by the Board should not be considered a final or complete updating of Board rules. Subsequent revisions will undoubtedly be required as further review occurs. The Board will describe the proposed substantive amendments below.

1. Chapter 6

Chapter 6 provides the requirements and procedures for filing an informal and formal complaint with the Board. The Board is proposing to revise subrule 6.2(1) to allow for electronic and facsimile (fax) filing of informal complaints. If there is a question about the authenticity of the complaint, the proposed rule will allow the Board to request verification in writing. In addition, subrule 6.2(2) is being revised to

put a 20-day time limit on a complainant to provide additional information requested by the Board staff. This would be consistent with the Board's existing practice.

2. Rules 19.4 and 20.4

The Board has reviewed the provisions of rules 19.4 and 20.4 relating to customer service requirements for gas and electric utilities, respectively, and has determined that certain amendments should be proposed to clarify the rules, to remove redundancies, to remove inconsistencies between the two rules, and to bring the provisions in line with current practice, as well as to modify some of the requirements for disconnecting and refusing gas and electric service. The Board is proposing to remove the distinction in the current rules between "potential," "disconnected," or other customers. Subrules 19.1(3) and 20.1(3) define a "customer" as "any person, firm, association or corporation, any agency of the federal, state, or local government, or legal entity, responsible for payment for the gas/electric service or the heat from the gas/electric utility." This definition will be applied to all persons who are currently taking gas service, have in the past taken gas service, or who have contacted the utility to obtain gas service.

The Board is also proposing to amend the rules to allow the filing of formal complaints through other delivery services in addition to the United States Postal Service.

3. Paragraphs 19.4(1)"d" and 20.4(1)"d"

The Board is proposing to revise paragraphs 19.4(1)"d" and 20.4(1)"d" to require utilities to provide copies of tariffs to customers at the utility's offices or upon

request by mail. Also, those utilities that maintain Web sites would be required to post their applicable rate schedules and rules on their Web site.

4. Subrules 19.4(10) and 20.4(11)

The Board is proposing in paragraphs 19.4(10)"a" and 20.4(11)"a" to make it clear that the utility must offer a minimum 12-month agreement to a customer who is not in default of a previous payment agreement. The Board is proposing in paragraphs 19.4(10)"c" and 20.4(11)"c" to remove the distinction between customers for the term of a payment agreement. Currently, for customers who have received a disconnection notice, the utility must offer a 12-month agreement, and for those customers who have been previously disconnected, the utility must offer only a 6-month agreement. The Board is proposing that both classes of customer must be offered a 12-month agreement.

The Board is also proposing to restructure these paragraphs to make them easier to understand and to make it clear that the utility does not have to offer a customer who is in default of a payment agreement a second payment agreement.

The Board is proposing to remove the current provision in these paragraphs that states the utility may offer a second agreement to those customers who have retained service during the winter moratorium and who are in default of a payment agreement. Under the proposed revisions, the utility may still offer these customers a second agreement but the Board is removing any specific requirements for the second agreement.

The Board is also revising the provisions in paragraphs 19.4(10)"d" and 20.4(11)"d" relating to the company's refusal of a payment agreement offered by the customer to make them more understandable. Under the current paragraphs, if the utility refuses the agreement orally, it has three days to send the written notice of the refusal. The customer then has ten days from the rendering of the written notice to contact the Board for help in reaching an agreement with the utility. The utility is prohibited from disconnecting the customer while the Board is reviewing the customer's request. The Board is not revising these time periods, but is proposing to revise the language in the interest of clarity.

5. Subrules 19.4(11) and 20.4(12)

The Board is proposing to restructure these two subrules on bill payment terms to make them more understandable. The only substantive change to subrules 19.4(11) and 20.4(12) is to allow a customer who has a credit at the termination of a level payment plan to request a refund by check if the credit is \$25 or more.

For consistency between the two subrules, the Board is proposing that language in subrule 19.4(11) concerning delinquent level payment accounts be added to subrule 20.4(12).

6. Paragraph 20.4(14)"g"

The Board is proposing to add a new paragraph to make this subrule consistent with subrule 19.4(14).

7. Subrules 19.4(15) and 20.4(15)

The Board is proposing to modify the provisions of subrules 19.4(15) and 20.4(15) to clarify when a customer may be refused service or disconnected without notice, when notice is required before disconnection can occur, and the limitations on disconnection. The Board has modified the reference to the utility's tariff and replaced it with the requirement that the tariffs be consistent with the Board's rules.

The Board has restructured subrules 19.4(15) and 20.4(15) to separate those provisions applying to both refusal and disconnection and those that apply only to refusal or to disconnection. The Board has also separated those provisions that apply to disconnection without notice and those that require notice.

The Board has removed the term "especial" from subparagraphs 19.4(15)"d"(8) and 20.4(15)" d"(9) and replaced it with "serious," a more understandable term. The health danger that must be present in the residence is specifically described in the subparagraph and the term "especial" did not appear to provide any clearer direction.

The Board is proposing to modify the provisions of current paragraph 19.4(15)"i" and 20.4(15)"i" to remove repetitions of earlier provisions. The Board is proposing to reference those earlier provisions instead.

The Board is proposing to delete the current provisions in paragraph 19.4(15)"j" since they are also contained in proposed paragraph 19.4(15)"c."

The Board is also proposing to modify the language in subrules 19.4(17) and 20.4(17) to reflect current practice regarding disconnection during the period from

November 1 through April 1. Iowa Code § 476.20(3) states that “a public utility furnishing gas or electricity shall not disconnect service from November 1 through April 1 to a residence which has a resident that has been certified” to be eligible for the low income home energy assistance program or weatherization assistance program. The Board understands that this is the current practice and is clarifying this subrule to reflect this practice.

IT IS THEREFORE ORDERED:

1. A rule making proceeding identified as Docket No. RMU-03-3 is commenced for the purpose of receiving comments on the proposed rules in the notice attached hereto and incorporated herein by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13th day of March, 2003.

UTILITIES DIVISION [199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.2, 476.3, and 476.20, the Utilities Board (Board) gives notice that on March 13, 2003, the Board issued an order in Docket No. RMU-03-3, In re: Customer Service Rules Revisions; Executive Orders 8 and 9, 199 IAC 6, 19.4, 20.4, and 21.4, "Order Commencing Rule Making." On September 14, 1999, Governor Vilsack issued Executive Orders Numbers 8 and 9 to begin a comprehensive review process of all agency rules using the criteria of need, clarity, intent, statutory authority, cost, fairness, and whether the rules are consistent with the principles contained in Executive Order number 9. The Board was also required to review any rules routinely waived by the Board to determine if the rule can be redrafted so routine waivers are not necessary.

In response to the executive orders, the Board, on February 23, 2000, issued an "Order Regarding Plan for Regulatory Review" in which the Board assigned various chapters of its rules to Board staff teams. One of the teams reviewed chapter 6 and rules 19.4, 20.4, and 21.4. The Board is proposing to amend chapter 6 and rules 19.4 and 20.4 to comply with the executive orders and the Board is also proposing revisions based upon subsequent reviews of rules 19.4 and 20.4. No revisions are being proposed for rule 21.4. The background and support for the proposed amendments can be found on the Board's Web site, www.state.ia.us/iub.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before May 1, 2003, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive oral comments on the proposed amendments will be held at 10 a.m. on May 28, 2003, in the Board's hearing room at the address listed above. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.3, and 476.20.

The following amendments are proposed.

Item 1. Amend subrule 6.2(1) as follows:

6.2(1) Information to be filed: Any person may, by filing ~~mailing~~ a written complaint ~~letter~~, request the board to determine whether the utility's charges, practices, facilities or service are in compliance with applicable statutes and rules established by the board, or by the utility in its tariff, and lawfully issued board orders. The written complaint must be filed with the board. If there is any question of authenticity of a fax or electronic mail complaint, the complainant may be required to file a verification of the written complaint. The board may initiate a complaint on

its own motion. The complaint ~~letter must be signed and dated by the complainant or by the complainant's representative and addressed to Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319.~~ The letter should include:

a. to e. No change.

Item 2. Amend subrule 6.2(2) as follows:

6.2(2) Request for additional information. If the staff determines that additional information is needed in order to resolve the complaint, the complainant will be notified that specified additional information should be filed. ~~Action on the complaint will be held in abeyance until receipt of the requested information.~~ If the requested additional information is not provided within 20 days, the complaint may be dismissed. Dismissal of the complaint on this basis does not prevent the complainant from filing a complaint in the future that includes the requested information.

Item 3. Amend subrule 6.3(3) as follows:

6.3(3) The utility shall, within 20 days of the date on which the complaint is ~~mailed~~ forwarded to the utility by the board, file a response to the complaint with the board and shall ~~mail~~ at the same time send a copy of its response to the complainant and the consumer advocate. The utility shall specifically address each allegation made by the complainant and recite any supporting facts, statutes, rules, or tariff provisions supporting its response. The utility shall enclose copies of all related letters, records, or other documents not supplied by the complainant, and all records concerning the complainant that are not confidential or privileged. In ~~these~~

cases of confidential or privileged records, the response shall advise of the records' existence.

Item 4. Amend subrule 6.5(2) as follows:

6.5(2) The request for formal complaint proceedings shall be filed within 14 days after issuance of the proposed resolution or the specified date of utility action, whichever is later. The request shall be considered as filed on the date of the United States Postal Service postmark, other delivery service, or the date personal service is made. The request shall be in writing and must be delivered by United States Postal Service, other delivery service, or personal service. The request shall include the file number (C-XX-XXX) marked on the proposed resolution. It shall explain why the proposed resolution should be modified or rejected and propose an alternate resolution, including any temporary relief desired. Copies of the request shall be mailed to the consumer advocate and the parties.

Item 5. Amend paragraph **19.4(1)"d"** as follows:

d. ~~Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing~~ Inform the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the board, are available for public inspection at the utility's offices or by mail upon request. If the utility has a Web site, the utility shall make the applicable rate schedules and rules available on the utility's Web site.

Item 5. Amend subrule 19.4(10) as follows:

19.4(10) Payment agreements

a. Availability ~~customer~~ of agreement.

~~(1)~~ When a residential customer cannot pay in full a delinquent bill for utility service and ~~will be disconnected, or has an outstanding debt to the utility for residential utility service and is not in default of a payment agreement with the utility,~~ a utility shall offer the customer an opportunity to enter into a reasonable payment agreement to pay that bill unless the customer is in default on a payment agreement.

~~(2) When a disconnected or potential customer for residential service has an outstanding debt to the utility for utility service, cannot pay the debt in full, and is not in default on a payment agreement, the utility must consider a request for a payment agreement.~~

b. No change.

c. Terms of payment agreements.

(1) ~~The agreement may require the customer to bring the account to a current status by paying specific amounts at scheduled times.~~ The utility shall offer customers ~~or disconnected customers~~ the option of spreading payments evenly over at least 12 months by paying specific amounts at scheduled times. ~~Payments for potential customer agreements may be spread evenly over at least 6 months.~~

(2) The agreement shall also include provision for payment of the current account. The agreement negotiations and periodic payment terms shall comply with tariff provisions which are consistent with these rules.

(3) When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer, ~~disconnected customer or potential customer.~~

(4) The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission. When the customer makes the agreement over the telephone or through electronic transmission, the utility will render to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral or electronic agreement. The document will be considered rendered to the customer when deposited in the U.S. mail with postage prepaid addressed to the customer's last known address. If delivery is by other than U.S. mail, the document shall be considered rendered to the customer when delivered to the last-known address of the person responsible for payment for the service. The document shall state that unless the customer notifies the utility within ten days from the date the document is rendered, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free or collect telephone number where a qualified representative can be reached. By making the first payment, the customer confirms acceptance of the terms of the oral agreement or electronic agreement.

~~(5) Second agreement. If a customer has retained service from November 1 through April 1 but is in default of a payment agreement, the~~ The utility may offer the customer a second payment agreement, but is not required to do so. ~~that will divide the past due amount into equal monthly payments with the final payment due by the fifteenth day of the next October.~~ The utility may also require the customer to enter into a level payment plan to pay the current bill.

~~The customer who has been in default of a payment agreement from November 1 to April 1 may be required to pay current bills based on a budget estimate of the customer's actual usage, weather-normalized, during the prior 12-month period or based on projected usage if historical use data is not available.~~

d. Refusal by utility. ~~If the utility intends to refuse a payment agreement offered by a customer, it must provide a written refusal to the customer. That refusal, with explanation, must be made within 30 days of mailing of the initial disconnection notice. A customer may protest the utility's refusal by filing a written complaint, including a copy of the utility's refusal, with the board within 10 days after receipt of the written refusal. If the utility intends to refuse a payment agreement to a disconnected or potential customer, it must provide a written refusal within 10 days of the application for payment agreement.~~ A customer may offer the utility a proposed payment agreement. If the utility refuses a payment agreement offered by a customer, it may do so orally, but the utility must render a written refusal to the customer, stating the reason for the refusal, within three days of the oral notification. The written refusal shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid to the customer's last known address. If delivery is by other than U.S. mail, the written refusal shall be considered rendered to the customer when handed to the person or when delivered to the last-known address of the person responsible for the payment for the service.

A customer may ask the board for assistance in working out a reasonable payment agreement. The request for assistance must be made to the board within

ten days after the rendering of the written refusal. During the review of this request, the utility shall not disconnect the service.

Item 6. Amend subrule 19.4(11) as follows:

19.4(11) Bill payment terms. The bill shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill shall be considered rendered when delivered to the last-known address of the party responsible for payment. There shall be not less than 20 days between the rendering of a bill and the date by which the account becomes delinquent. Bills for customers on more frequent billing intervals under subrule 19.3(7) may not be considered delinquent less than ~~5~~ five days from the date of rendering. However, late payment charge may not be assessed if payment is received within 20 days of the date the bill is rendered.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 250 ccf per month shall be changeable for cause in writing; such as, but not limited to, 15 days from approximate date each month upon which income is received by the person responsible for payment. In no case, however, shall the utility be required to delay the date of delinquency more than 30 days beyond the date of preparation of the previous bill.

b. In any case where net and gross amounts are billed customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge shall not exceed 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this

late payment charge. This rule does not prohibit cost-justified charges for disconnection and reconnection of service.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall be credited pro rata between the bill for utility services and related taxes.

d. Each account shall be granted not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules shall be definitive that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The rules shall state how the customer is notified the eligibility has been used. Complete forgiveness prohibits any effect upon the credit rating of the customer or collection of late payment charge.

e. Level payment plan. All residential customers or other customers whose consumption is less than 250 ccf per month may select a plan of level payments. ~~These~~ The rules for such plan shall include at least the following:

~~a.~~(1) Be offered when the customer initially requests service.

~~b.~~(2) Have a date of delinquency changeable for cause in writing; such as, but not limited to, 15 days from approximate date each month upon which income is received by the person responsible for payment. The rules may provide that the delinquency date may not be changed to a date later than 30 days after the date of preparation of the previous bill.

~~c.~~(3) Provide for entry into the level payment plan anytime during the calendar year. The month of entry shall be that customer's anniversary month.

~~d.~~(4) The billing period level payment to be the sum of estimated charges divided by the number of standard billing intervals, all for the next 12 consecutive months.

~~e.~~(5) A customer may request termination of the plan (or withdrawal from the plan) at any time. If the customer's account is in arrears, the customer may be required to bring the account to a current balance before termination or withdrawal. If there is a credit balance, the customer shall be allowed the option of obtaining a refund or applying the credit to charges for subsequent months' service.

~~f.~~(6) The level payment plan account balance on the anniversary date shall be carried forward and added to the estimated charges for service during the next year, and this total will be the basis for computing the next year's periodic billing interval level payment amount. The customer shall be given the option of applying any credit to payment of subsequent months' level payment amounts due or obtaining a refund of any credit in excess of \$10 \$25. ~~For purposes of this paragraph the~~ The anniversary date account balance shall not carry forward on an unpaid level payment bill. For delinquency on a level payment plan amount see subparagraph 19.4(11)"f" 19.4(11)"e"(9).

~~g.~~(7) The amount to be paid in each billing interval by a customer on a level payment plan shall be computed at the time of entry into the plan. It may be recomputed on each anniversary date, when requested by the customer, or whenever price, consumption, alone or in combination result in a new estimate differing by 10 percent or more from that in use.

When a customer's payment level is recomputed, the customer shall be notified of the revised payment amount and the reason for the change. The notice shall be served not less than 30 days prior to the date of delinquency for the first revised payment. The notice may accompany the bill prior to the bill affected by the revised payment amount.

~~h.~~(8) The account shall be balanced upon termination of service or withdrawal in accord with the utility's tariff.

~~i.~~(9) Irrespective of the account balance, a delinquency in payment shall be subject to the same procedures as other accounts on late payment charge on the level payment amount. If the account balance is a debit, a delinquency in payment shall be subject to the same procedures as other accounts for collection or ~~cut-off~~ disconnection. If the account balance is a credit, the level payment plan shall terminate after not less than 30 days nor more than 60 days of delinquency.

Item 7. Amend subrule 19.4(15) as follows:

19.4(15) Refusal or disconnection of service. A utility shall refuse service or disconnect service in accordance with tariffs that are consistent with these rules.

~~Notice of pending disconnection shall be rendered and gas service refused or disconnected as set forth in the tariff.~~

a. The utility shall give written notice of pending disconnection except as specified in paragraph 19.4(15)"b." ~~The notice of pending disconnection required by these rules shall be a written notice setting~~ set forth the reason for the notice and final date by which the account is to be settled or specific action taken. The notice shall be considered rendered to the customer when deposited in the U.S. mail with

postage prepaid to the customer's last known address. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The date for ~~refusal or~~ disconnection of service shall be not less than 12 days after the notice is rendered. The date for ~~refusal or~~ disconnection of service for customers on shorter billing intervals under subrule 19.3(7) shall not be less than 24 hours after the notice is posted at the service premises.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for ~~refusal or~~ disconnection of service. ~~The notice shall also state the final date by which the account is to be settled or other specific action taken.~~ In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes shall be concurrent.

~~Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be provided notice of the pending disconnection and the rule violation which necessitates disconnection. Furthermore, unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is disconnected. Except as provided in paragraphs 19.4(15)"a," "b," "c," and "d," no service shall be disconnected on the day preceding or day on which the utility's local business office or local authorized agent is closed.~~

b. Service may be ~~refused or~~ disconnected without notice:

a.(1) ~~Without notice in~~ In the event of a condition determined by the utility to be hazardous.

~~b.(2) Without notice in~~ In the event of customer use of equipment in a manner which adversely affects the utility's equipment or the utility's service to others.

~~c.(3) Without notice in~~ In the event of tampering with the equipment furnished and owned by the utility. For the purposes of this subrule, a broken or absent meter seal alone shall not constitute tampering.

~~d.(4) Without notice in~~ In the event of unauthorized use.

~~ec.~~ Service may be disconnected or refused after proper notice:

(1) For violation of or noncompliance with the utility's rules on file with the board ~~utilities division~~.

f(2). For failure of the customer ~~or prospective customer~~ to furnish the service equipment, permits, certificates, or rights of way which are specified to be furnished, in the utility's rules filed with the board ~~utilities division~~, as conditions of obtaining service, or for the withdrawal of that same equipment, or the termination of those same permissions or rights, or for the failure of the customer ~~or prospective customer~~ to fulfill the contractual obligations imposed as conditions of obtaining service by any contract filed with and subject to the regulatory authority of the ~~utilities~~ board.

g(3). For failure of the customer to permit the utility reasonable access to ~~its~~ the utility's equipment.

hd. Service may be refused or disconnected after proper notice for ~~For~~ nonpayment of bill or deposit, except as restricted by subrules 19.4(16) and 19.4(17), provided that the utility has complied with the following provisions when applicable:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal ~~Made a reasonable attempt to effect collection;~~

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection, ~~together with~~ and a written summary of the rights and remedies available ~~to avoid disconnection~~. Customers billed more frequently than monthly pursuant to subrule 19.3(7) shall be given posted written notice that they have 24 hours to make settlement of the account; ~~together with~~ and a written summary of the rights and remedies ~~available to avoid disconnection~~. All written notices shall include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative must provide their name ~~to the caller~~, and have immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) and (4) No change.

(5) ~~Given the customer a reasonable opportunity to dispute the reason for the disconnection and, if to the extent applicable, complied with each of the following:~~

Disputed bill. ~~In the event there is a~~ If the customer has received notice of disconnection and has a dispute concerning a bill for natural gas service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid discontinuance of service. A utility shall delay disconnection for nonpayment of the disputed bill for up to 45 days after the rendering of the bill if the customer pays the undisputed

amount. The 45 days shall be extended by up to 60 days if requested of the utility by the board in the event the customer files a written complaint with the board in compliance with 199—chapter 6.

(6) Special circumstances. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day.

(7) Severe cold weather. A disconnection may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, or on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with subparagraph 19.4(15)"hd"(4) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 degrees and is forecasted to be above 20 degrees for at least 24 hours, unless the customer

has paid in full the past due amount or is entitled to postponement of disconnection under some other provisions of ~~this rule~~ paragraph 19.4(15)"d."

(8) Health of a resident. Disconnection of a residential customer shall be postponed if the ~~discontinuance~~ disconnection of service would present ~~an especial~~ a serious danger to the health of any permanent resident of the premises. ~~An especial~~ A serious danger to health is indicated if ~~one~~ a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage their own resources, carry out activities of daily living or protect ~~oneself~~ themselves from neglect or hazardous situations without assistance from others. Indicators of ~~an especial~~ a serious danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility, and any other factual circumstances which indicate a severe or hazardous health situation.

The utility may require written verification of the ~~especial~~ serious danger to health by a physician or public health official, including the name of the person endangered, a statement that the person is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the health danger and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

~~Verification shall postpone disconnection for 30 days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within 14 days prior to verification of illness by or for a~~

~~qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. If~~ The ~~the~~ customer ~~must~~ does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection pursuant to 19.4(15)"f."

~~Reasonable payment agreement. If financial difficulty of a residential customer is confirmed, disconnection may not take place until after the utility has offered the customer an opportunity to enter into a reasonable payment agreement as required by 19.4(10). Disconnection shall be delayed 30 days for the making of a reasonable payment agreement and the 30 days shall be extended to 60 days if requested of the utility by the board upon receipt of a complaint that the utility has arbitrarily refused a payment agreement offered by the customer and upon a finding the customer has made payment as provided for in the offered agreement.~~

(9) Winter energy assistance (November 1 through April 1). If the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, there shall be no disconnection of service for 30 days from the date the utility is notified ~~of application~~ to allow the customer time to obtain assistance. Disconnection shall not take place from November 1 through April 1 for a residence in which a resident ~~who is a head of household and who~~ has been certified to the public utility by the community action agency as eligible for either the low-income home energy assistance program or weatherization assistance program. ~~In addition to the notification procedure required herein, the utility shall, prior to~~

~~November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance program. A utility serving fewer than 6,000 customers may publish notice in an advertisement in a local newspaper of general circulation or shopper's guide. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing.~~

e. Abnormal gas consumption. A customer who is subject to disconnection for nonpayment of bill, and who has gas consumption which appears to the customer to be abnormally high, may request the utility to provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. The utility shall provide assistance by discussing patterns of gas usage which may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance which may be available to the customer.

if. A utility may disconnect gas service ~~Without~~ without the written 12-day notice, for failure of the customer to comply with the terms of a payment agreement, provided that:

(1) In the case of a customer owning or occupying a residential unit that will be affected by disconnection, the utility has made a diligent attempt, at least one day prior to disconnection, to contact the customer by telephone or in person to inform the customer of the pending disconnection and ~~their~~ the customer's rights and remedies; ~~if~~ If an attempt at personal or telephone contact of a customer occupying

a unit which a utility knows or should know is a rental unit has been unsuccessful, the landlord of the rental unit, if known, shall be contacted to determine if the customer is still in occupancy and, if so, their present location. The landlord shall also be informed of the date when service may be disconnected.

During the period November 1 through April 1, if the attempt at customer contact fails, the premises must be posted with a notice informing the customer of the pending disconnection and rights or remedies available to avoid disconnection at least one day prior to disconnection. ~~;~~ If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted, at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons therefore. Disconnection is subject to the provisions of paragraph 19.4(15)"d."

~~(2) The disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes a payment or other arrangements after normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National~~

~~Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 19.4(15)"h"(3) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 degrees, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provisions of this rule.~~

~~(3) Disconnection of a residential customer shall be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises. An especial danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage their own resources, carry out activities of daily living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation. The utility may require written verification of the especial danger to health by a physician or public health official, including the name of the person endangered, a statement that the person is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the health danger and approximately how long the~~

~~danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.~~

~~—Verification shall postpone disconnection for 30 days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. The customer must pay the unpaid balance under the payment agreement within the first 30 days and keep the current account paid during the period that disconnection is postponed.~~

~~j. For failure of the customer to furnish such service equipment, permits, certificates, or rights of way necessary to serve said customer as shall have been specified by the utility as a condition to obtaining service, or in the event such equipment or permissions are withdrawn or terminated.~~

g. The utility shall, prior to November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance program. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing. A utility serving fewer than 6,000 customers may publish notice in an advertisement in a local newspaper of general circulation or shopper's guide.

Item 8. Amend subrule 19.4(16) as follows:

19.4(16) Insufficient reasons for denying service. The following shall not constitute sufficient cause for refusal of service to a ~~present or prospective~~ customer:

- a. Delinquency in payment for service by a previous occupant of the premises to be served.
- b. Failure to pay for merchandise purchased from the utility.
- c. Failure to pay for a different type or class of public utility service.
- d. Failure to pay the bill of another customer as guarantor thereof.
- e. Failure to pay back bill rendered in accordance with 19.4(13)"b" (slow meters).
- f. Failure to pay adjusted bills based on the undercharges set forth in 19.4(13)"e."
- g. Failure of a residential customer to pay a deposit during the period November 1 through April 1 for the location at which he or she has been receiving service.
- h. No change.

Item 9. Amend subrule 19.4(17) as follows:

19.4(17) When disconnection prohibited. No disconnection may take place from November 1 through April 1 for a residence in which a resident ~~who is a head of household and who~~ has been certified to the public utility by the local community action agency as being eligible for either low-income home energy assistance program or weatherization assistance program. ~~No disconnection shall take place from April 1, 2001, through May 1, 2001, for eligible residents.~~

Item 10. Amend paragraph 199—19.4(19)"a" as follows:

a. Each utility shall provide in its filed tariff a concise, fully informative procedure for the resolution of all customer complaints.

Item 11. Amend paragraph 199—20.4(1)"d" as follows:

d. ~~Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing~~ Inform the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the board, are available for public inspection at the utility's offices or by mail upon request. If the utility has a Web site, the utility shall make the applicable rate schedules and rules available on the utility's Web site.

Item 12. Amend subrule 199—20.4(11) as follows:

20.4(11) Payment agreements

a. Availability—~~customer~~ of agreement.

~~(1) When a residential customer cannot pay in full a delinquent bill for utility service and will be disconnected,~~ or has an outstanding debt to the utility for residential utility service and is not in default of a payment agreement with the utility, a utility shall offer the customer an opportunity to enter into a reasonable payment agreement. ~~to pay that bill unless the customer is in default on a payment agreement.~~

~~(2) When a disconnected or potential customer for residential service has an outstanding debt to the utility for utility service, cannot pay the debt in full, and is not in default on a payment agreement, the utility must consider a request for a payment agreement.~~

b. No change.

c. Terms of payment agreements.

(1) ~~The agreement may require the customer to bring the account to a current status by paying specific amounts at scheduled times.~~ The utility shall offer customers ~~or disconnected customers~~ the option of spreading payments evenly over at least 12 months by paying specific amounts at scheduled times. ~~Payments for potential customer agreements may be spread evenly over at least 6 months.~~

(2) The agreement shall also include provision for payment of the current account. The agreement negotiations and periodic payment terms shall comply with tariff provisions which are consistent with these rules.

(3) When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer, ~~disconnected customer or potential customer.~~

(4) The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission. When the customer makes the agreement over the telephone or through electronic transmission, the utility will render to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral or electronic agreement. The document will be considered rendered to the customer when deposited in the U.S. mail with postage prepaid addressed to the customer's last known address. If delivery is by other than U.S. mail, the document shall be considered rendered to the customer when delivered to the last-known address of the person responsible for payment for the service. The document shall state that

unless the customer notifies the utility within ten days from the date the document is rendered, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free or collect telephone number where a qualified representative can be reached. By making the first payment, the customer confirms acceptance of the terms of the oral agreement or electronic agreement.

~~(5) Second agreement. If a customer has retained service from November 1 through April 1 but is in default of a payment agreement, the~~ The utility may offer the customer a second payment agreement, but is not required to do so ~~that will divide the past due amount into equal monthly payments with the final payment due by the fifteenth day of the next October.~~ The utility may also require the customer to enter into a level payment plan to pay the current bill.

~~The customer who has been in default of a payment agreement from November 1 to April 1 may be required to pay current bills based on a budget estimate of the customer's actual usage, weather-normalized, during the prior 12-month period or based on projected usage if historical use data is not available.~~

d. Refusal by utility. ~~If the utility intends to refuse a payment agreement offered by a customer, it must provide a written refusal to the customer. That refusal, with explanation, must be made within 30 days of mailing of the initial disconnection notice. A customer may protest the utility's refusal by filing a written complaint, including a copy of the utility's refusal, with the board within 10 days after receipt of the written refusal. If the utility intends to refuse a payment agreement to a disconnected or potential customer, it must provide a written refusal within 10 days~~

~~of the application for payment agreement.~~ A customer may offer the utility a proposed payment agreement. If the utility refuses a payment agreement offered by a customer, it may do so orally, but the utility must render a written refusal to the customer, stating the reason for the refusal, within three days of the oral notification. The written refusal shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid to the customer's last known address. If delivery is by other than U.S. mail, the written refusal shall be considered rendered to the customer when handed to the person or when delivered to the last-known address of the person responsible for the payment for the service.

A customer may ask the board for assistance in working out a reasonable payment agreement. The request for assistance must be made to the board within ten days after the rendering of the written refusal. During the review of this request, the utility shall not disconnect the service.

Item 13. Amend subrule 20.4(12) as follows:

20.4(12) Bill payment terms. The bill shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the bill shall be considered rendered when delivered to the last-known address of the party responsible for payment. There shall not be less than 20 days between the rendering of a bill and the date by which the account becomes delinquent. Bills for customers on more frequent billing intervals under subrule 20.3(6) may not be considered delinquent less than ~~5~~ five days from the date of rendering. However, a late payment charge may not be assessed if payment is received within 20 days of the date the bill is rendered.

a. The date of delinquency for all residential customers or other customers whose consumption is less than 3000 kWh per month, shall be changeable for cause in writing; such as, but not limited to, 15 days from approximate date each month upon which income is received by the person responsible for payment. In no case, however, shall the utility be required to delay the date of delinquency more than 30 days beyond the date of preparation of the previous bill.

b. In any case where net and gross amounts are billed customers, the difference between net and gross is a late payment charge and is valid only when part of a delinquent bill payment. A utility's late payment charge shall not exceed 1.5 percent per month of the past due amount. No collection fee may be levied in addition to this late payment charge. This rule does not prohibit cost-justified charges for disconnection and reconnection of service.

c. If the customer makes partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall be credited pro rata between the bill for utility services and related taxes.

d. Each account shall be granted not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules shall be definitive that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The rules shall state how the customer is notified the eligibility has been used. Complete forgiveness prohibits any effect upon the credit rating of the customer or collection of late payment charge.

e. Level payment plan. All residential customers or other customers whose consumption is less than 3000 kWh per month may select a plan of level payments. The rules for such plan shall include at least the following:

~~a.~~(1) Be offered when the customer initially requests service.

~~b.~~(2) Have a date of delinquency changeable for cause in writing; such as, but not limited to, 15 days from approximate date each month upon which income is received by the person responsible for payment. The utility's rules may provide that the delinquency date may not be changed to a date later than 30 days after the date of preparation of the previous bill.

~~c.~~(3) Provide for entry into the level payment plan anytime during the calendar year. The month of entry shall be that customer's anniversary month.

~~d.~~(4) The billing period level payment to be the sum of estimated charges divided by the number of standard billing intervals, all for the next 12 consecutive months.

~~e.~~(5) ~~Except for termination of service, a~~ A customer on a level payment plan may ~~not~~ request termination of the plan (or withdrawal from the plan) ~~until the first anniversary date following entry~~ at any time. If a customer's account is in arrears, the customer may be required to bring the account to a current balance before the termination or withdrawal. If there is a credit balance, the customer shall be allowed the option of obtaining a refund or applying the credit to charges for subsequent months' service.

~~f.~~(6) The level payment plan account balance on the anniversary date shall be carried forward and added to the estimated charges for service during the next year.

This total will be the basis for computing the next year's periodic billing interval level payment amount. The customer shall be given the option of applying any credit to payments of subsequent months' level payment amounts due or obtaining a refund of any credit in excess of \$25. ~~For purposes of this paragraph the~~ The anniversary date account balance shall not carry forward on an unpaid level payment bill. For delinquency on a level payment plan amount see subparagraph 20.4(12)"i" 20.4(12)"e"(9).

~~g.(7)~~ The amount to be paid in each billing interval by a customer on a level payment plan shall be computed at the time of entry into the plan. It may be recomputed on each anniversary date, when requested by the customer, or whenever price, consumption, alone or in combination result in a new estimate differing by 10 percent or more from that in use.

When a customer's payment level is recomputed, the customer shall be notified of the revised payment amount and the reason for the change. The notice shall be served not less than 30 days prior to the date of delinquency for the first revised payment. The notice may accompany the bill prior to the bill affected by the revised payment amount.

~~h.(8)~~ The account shall be balanced upon termination of service or withdrawal in accord with the utility's tariff.

~~i.(9)~~ Irrespective of the account balance, a delinquency in payment shall be subject to the same procedures as other accounts on late payment charge on the level payment amount, ~~collection, or cut-off.~~ If the account balance is a debit, a delinquency in payment shall be subject to the same procedures as other accounts

for collection or disconnection. If the account balance is a credit, the level payment plan shall terminate after not less than 30 days nor more than 60 days of delinquency.

Item 14. Adopt a **new** paragraph 199—20.4(14)"g" as follows:

g. Credits and explanations. Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be separately identified.

Item 15. Amend subrule 20.4(15) as follows:

20.4(15) Refusal or disconnection of service. A utility shall refuse service or disconnect service in accordance with tariffs that are consistent with these rules.

~~Notice of a pending disconnection shall be rendered, and electric service refused or disconnected as set forth in the tariff.~~

a. The utility shall give written notice of pending disconnection except as specified in paragraph 20.4(15)"b." ~~The notice of pending disconnection required by these rules shall be a written notice setting~~ set forth the reason for the notice, and final date by which the account is to be settled or specific action taken. The notice shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid to the customer's last known address. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The date for ~~refusal~~ ~~or~~ disconnection of service shall be not less than 12 days after the notice is rendered. The date for ~~refusal~~ ~~or~~ disconnection of service for customers on shorter billing intervals under subrule 20.3(6) shall not be less than 24 hours after the notice is posted at the service premises.

One written notice, including all reasons for the notice, shall be given where more than one cause exists for ~~refusal or~~ disconnection of service. ~~The notice shall also state the final date by which the account is to be settled or other specific action taken.~~ In determining the final date by which the account is to be settled or other specific action taken, the days of notice for the causes shall be concurrent.

~~Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be provided notice of the pending disconnection and the rule violation which necessitates disconnection. Furthermore, unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is disconnected. Except as provided in 20.4(15)"a," "b," "c," and "d," no service shall be disconnected on the day preceding or day on which the utility's local business office or local authorized agent is closed.~~

b. Service may be refused or disconnected without notice:

~~a.(1) Without notice in In the event of a condition determined by the utility to be hazardous.~~

~~b.(2) Without notice in In the event of customer use of equipment in a manner which adversely affects the utility's equipment or the utility's service to others.~~

~~c.(3) Without notice in In the event of tampering with the equipment furnished and owned by the utility. For the purposes of this subrule, a broken or absent meter seal alone shall not constitute tampering.~~

~~d.(4) Without notice in In the event of unauthorized use.~~

c. Service may be disconnected or refused after proper notice:

~~e.~~(1) For violation of or noncompliance with the utility's rules on file with the board ~~utilities division~~.

~~f.~~(2). For failure of the customer ~~or prospective customer~~ to furnish the service equipment, permits, certificates, or rights-of-way which are specified to be furnished, in the utility's rules filed with the board ~~utilities division~~, as conditions of obtaining service, or for the withdrawal of that same equipment, or for the termination of those same permissions or rights, or for the failure of the customer ~~or prospective customer~~ to fulfill the contractual obligations imposed as conditions of obtaining service by any contract filed with and subject to the regulatory authority of the ~~utilities division~~ board.

~~g.~~(3). For failure of the customer to permit the utility reasonable access to ~~its~~ the utility's equipment.

~~h.~~d. Service may be refused or disconnected after proper notice for ~~For~~ nonpayment of bill or deposit, except as restricted by subrules 20.4(16) and 20.4(17), provided that the utility has complied with the following provisions when applicable:

(1) Given the customer a reasonable opportunity to dispute the reason for the disconnection or refusal ~~Made a reasonable attempt to effect collection;~~

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account to avoid disconnection, ~~together with and~~ a written summary of the rights and remedies available ~~to avoid disconnection~~. Customers billed more frequently than monthly pursuant to subrule 20.3(6) shall be given

posted written notice that they have 24 hours to make settlement of the account, ~~together with and~~ a written summary of the rights and remedies ~~available to avoid disconnection~~. All written notices shall include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative must provide their name ~~to the caller~~, and have immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) No change.

(4) If the utility has adopted a service limitation policy pursuant to subrule 20.4(23), the following paragraph shall be appended to the end of the standard form for the summary of rights and remedies, as set forth in subparagraph 20.4(15)"~~h~~c"(3).

Service limitation. We have adopted a policy of service limitation before disconnection. You may be qualified for service limitation rather than disconnection. To see if you qualify, contact our business office.

(5) No change.

(6) ~~Given the customer a reasonable opportunity to dispute the reason for the disconnection and, if to the extent applicable, complied with each of the following:~~

Disputed bill. ~~In the event there is a~~ If the customer has received notice of disconnection and has a dispute concerning a bill for electric utility service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid discontinuance of service. A utility shall delay disconnection for nonpayment of the disputed bill for

up to 45 days after the rendering of the disputed bill if the customer pays the undisputed amount. The 45 days shall be extended by up to 60 days if requested of the utility by the board in the event the customer files a written complaint with the board in compliance with 199—chapter 6.

(7) Special circumstances. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day.

(8) Severe cold weather. A disconnection may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with subparagraph 20.4(15)“hd”(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 degrees and is forecasted to be above 20 degrees for at least 24 hours, unless the customer

has paid in full the past due amount or is entitled to postponement of disconnection under some other provisions of ~~this rule~~ paragraph 20.4(15)"d."

(9). Health of a resident. Disconnection of a residential customer shall be postponed if the ~~discontinuance~~ disconnection of service would present ~~an especial~~ a serious danger to the health of any permanent resident of the premises. ~~An especial~~ A serious danger to health is indicated if ~~one~~ a person appears to be seriously impaired and may, because of mental or physical problems, be unable to manage their own resources, carry out activities of daily living or protect ~~oneself~~ themselves from neglect or hazardous situations without assistance from others. Indicators of ~~an especial~~ a serious danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation.

The utility may require written verification of the ~~especial~~ serious danger to health by a physician or public health official, including the name of the person endangered, a statement that the person is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the health danger and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

~~Verification shall postpone disconnection for 30 days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within 14 days prior to verification of illness by or for a~~

~~qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. If~~ The ~~the~~ customer ~~must~~ does not enter into a reasonable payment agreement for the retirement of the unpaid balance of the account within the first 30 days and does not keep the current account paid during the period that the unpaid balance is to be retired, the customer is subject to disconnection pursuant to 20.4(15)"f."

~~Reasonable payment agreement. If financial difficulty of a residential customer is confirmed, disconnection may not take place until after the utility has offered the customer an opportunity to enter into a reasonable payment agreement as required by 20.4(11). Disconnection shall be delayed 30 days for the making of a reasonable payment agreement and the 30 days shall be extended to 60 days if requested of the utility by the board upon receipt of a complaint that the utility has arbitrarily refused a payment agreement offered by the customer and upon a finding the customer has made payment as provided for in the offered agreement.~~

(10). Winter energy assistance (November 1 through April 1). If the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, there shall be no disconnection of service for 30 days from the date the utility is notified ~~of application~~ to allow the customer time to obtain assistance. Disconnection shall not take place from November 1 through April 1 for a residence in which a ~~resident who is a head of household and who~~ has been certified to the public utility by the community action agency as eligible for either the low-income home energy assistance program or weatherization assistance program. ~~In addition to the notification procedure required herein, the utility shall, prior to~~

~~November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance program. A utility serving fewer than 6,000 customers may publish notice in an advertisement in a local newspaper of general circulation or shopper's guide. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing.~~

e. Abnormal electric consumption. A customer who is subject to disconnection for nonpayment of bill, and who has electric consumption which appears to the customer to be abnormally high, may request the utility to provide assistance in identifying the factors contributing to this usage pattern and to suggest remedial measures. The utility shall provide assistance by discussing patterns of electric usage which may be readily identifiable, suggesting that an energy audit be conducted, and identifying sources of energy conservation information and financial assistance which may be available to the customer.

i.f. A utility may disconnect electric service ~~Without~~ without the written 12-day notice, for failure of the customer to comply with the terms of a payment agreement, provided that:

(1) In the case of a customer owning or occupying a residential unit that will be affected by disconnection, the utility has made a diligent attempt, at least one day prior to disconnection, to contact the customer by telephone or in person to inform the customer of the pending disconnection and the customer's rights and remedies.;

~~if~~ If an attempt at personal or telephone contact of a customer occupying a unit

which a utility knows or should know is a rental unit has been unsuccessful, the landlord of the rental unit, if known, shall be contacted to determine if the customer is still in occupancy and, if so, their present location. The landlord shall also be informed of the date when service may be disconnected.

During the period November 1 through April 1, if the attempt at customer contact fails, the premises must be posted with a notice informing the customer of the pending disconnection and rights or remedies available to avoid disconnection at least one day prior to disconnection. ~~;~~ If the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted, at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons therefore. Disconnection is subject to the provisions of paragraph 20.4(15)"d."

~~(2) The disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes a payment or other arrangements after normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the~~

~~National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 20.4(15)"h"(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 degrees, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provisions of this rule.~~

~~(3) Disconnection of a residential customer shall be postponed if the disconnection of service would present an especial danger to the health of any permanent resident of the premises. An especial danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage their own resources, carry out activities of daily living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation. The utility may require written verification of the especial danger to health by a physician or public health official, including the name of the person endangered, a statement that the person is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the health danger and approximately how long the~~

~~danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.~~

~~Verification shall postpone disconnection for 30 days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. The customer must pay the unpaid balance under the payment agreement within the first 30 days and keep the current account paid during the period that disconnection is postponed.~~

g. The utility shall, prior to November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance program. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing. A utility serving fewer than 6,000 customers may publish notice in an advertisement in a local newspaper of general circulation or shopper's guide.

j-h. Without the written 12-day notice, for failure of a residential customer who has had service limited in accordance with subrule 20.4(23) to pay the full amount due for past service or to enter into a reasonable payment agreement, provided that:

(1) The minimum time period, as specified in the utility's tariff, for the service limiter to remain in place prior to initiation of the disconnection procedure has elapsed;

(2) The requirements of 20.4(15)"i"(4) relating to in-person, telephone or posted notice, have been satisfied;

(3) The requirements of 20.4(15)"i"(2)"d"(7) and (8), relating time and temperature restrictions on disconnection are satisfied, to the extent applicable; and

(4) The requirements of 20.4(15)"i"(3)"d"(9), relating to health restrictions on disconnection are satisfied, to the extent applicable.

Item 16. Amend subrule 20.4(16) as follows:

20.4(16) Insufficient reasons for denying service. The following shall not constitute sufficient cause for refusal of service to a ~~present or prospective~~ customer:

a. Delinquency in payment for service by a previous occupant of the premises to be served.

b. Failure to pay for merchandise purchased from the utility.

c. Failure to pay for a different type or class of public utility service.

d. Failure to pay the bill of another customer as guarantor thereof.

e. Failure to pay back bill rendered in accordance with 20.4(14)"d" (slow meters).

f. Failure to pay a bill rendered in accordance with 20.4(14)"f."

g. Failure of a residential customer to pay a deposit during the period November 1 through April 1 for the location at which ~~he or she~~ the customer has been receiving service.

h. No change.

Item 17. Amend subrule 20.4(17) as follows:

20.4(17) When disconnection prohibited. No disconnection may take place from November 1 through April 1 for a residence in which a resident ~~who is a head of household and who~~ has been certified to the public utility by the local community action agency as being eligible for either low-income home energy assistance program or weatherization assistance program. ~~No disconnection shall take place from April 1, 2001, through May 1, 2001, for eligible residents.~~

March 13, 2003

/s/ Diane Munns

Diane Munns
Chairman